

[CHAPTER 708]

AN ACT

To provide for the elimination of Regular Army and Regular Air Force officers and for the retirement of officers, warrant officers, and enlisted men of the Regular Army and the Regular Air Force, and to provide retirement benefits for members of the Reserve components of the Army of the United States, the Air Force of the United States, United States Navy and Marine Corps, and Coast Guard.

June 29, 1948
[H. R. 2744]
[Public Law 810]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Army and Air Force Vitalization and Retirement Equalization Act of 1948."

Army and Air Force
Vitalization and Re-
tirement Equalization
Act of 1948.

TITLE I

ELIMINATION

SEC. 101. Notwithstanding any other provision of law, the Secretary of the Army and the Secretary of the Air Force, for their respective services, are hereby authorized, for such causes as each may deem satisfactory, to remove any commissioned officer from the active list of the Regular Army or the Regular Air Force, as the case may be, in the manner hereinafter prescribed.

Removal of officers.

SEC. 102. Immediately following the enactment of this Act, and once annually thereafter, the Secretary of the Army and the Secretary of the Air Force shall, for their respective services, each convene a selection board of five general officers, which shall review the records of all officers on the active list of the Regular Army or the Regular Air Force, as the case may be, to determine which of such officers shall be required to show cause why they should be retained on the active list. Selection of any officer to show cause for retention shall be based upon his failure to achieve such standards of performance as the cognizant Secretary shall by regulations prescribe.

Selection board; du-
ties.

SEC. 103. Any officer selected to show cause for retention shall be accorded a fair and impartial hearing before a Board of Inquiry, consisting of not less than three general officers, convened at such place or places as the cognizant Secretary may prescribe to receive evidence and to make findings and recommendations as to the officer's fitness to be retained on the active list. If the Board of Inquiry recommends the retention of any officer on the active list, his case shall thereupon be closed and shall not be subject to further action, except that such officer may again be selected to show cause for retention at any future time in accordance with the provisions of section 102 of this title.

Hearing.

SEC. 104. The Board of Inquiry shall forward the record of its proceedings in each case in which it recommends the removal of any officer from the active list to a board of review, consisting of not less than five general officers, convened by the cognizant Secretary at such time as he deems appropriate, to review each such case and make recommendations as to the retention of the officer concerned on the active list. If the Board of Review recommends the retention of any officer on the active list, his case shall thereupon be closed and shall not be subject to further action, except that such officer may again be selected to show cause for retention at any future time in accordance with the provisions of section 102 of this title. If the Board of Review recommends against the retention of any officer on the active list, such recommendation shall be transmitted to the cognizant Secretary for his action thereon. The action of the Secretary of the Army or the Secretary of the Air Force, as the case may be, in removing any officer

Supra.
Board of review;
duties.

Supra.

Application for discharge or retirement.

Severance benefits.

Infra.
Notice to officer;
rights.

Ante, p. 1081.

Removal by retirement; pay and grade.

Honorable discharge with severance pay.

Fractional year.

Prior removals.

10 U. S. C. § 571
note; Supp. I, § 571
note.
Post, p. 1084.
Ante, p. 1081.
Notice.

Report to Secretary.

Restoration to active list.

Determination of grade.

from the active list shall be final and conclusive: *Provided*, That at any time prior to his removal from the active list the application of any officer for honorable discharge or voluntary retirement under this Act or any other provision of law may, if the applicant is otherwise qualified therefor, be granted by the cognizant Secretary: *Provided further*, That any officer discharged on his own application under the provisions of this section shall be granted severance benefits as provided in section 106 (b).

SEC. 105. Any officer who is under consideration for removal from the active list shall be furnished written notice of the pendency of any proceedings for his removal, shall be afforded reasonable time for the preparation of his defense, shall be allowed to appear in person or by counsel at proceedings before any Board of Inquiry or any Board of Review, and shall, at all stages of the proceedings, be allowed full access to and furnished copies of records relevant to his case. No person shall sit as a member of more than one of the boards convened under sections 102, 103, or 104, of this title in the consideration of the case of the same officer.

SEC. 106. Each officer removed from the active list of the Regular Army or the Regular Air Force pursuant to this title shall—

(a) if on the date of removal he is eligible for voluntary retirement under any provision of law then in effect, he shall be retired in the grade and with the retired pay to which he would be entitled if he were retired upon his own application;

(b) if on the date of removal he is not eligible for voluntary retirement, be honorably discharged in the grade then held, with severance pay equal to one month's base and longevity pay, being received at the date of such removal, multiplied by the number of years of his active Federal commissioned service: *Provided*, That the total severance pay shall not exceed one year's base and longevity pay so computed: *Provided further*, That a fractional part of a year amounting to six months or more shall be counted as a complete year for the purpose of computing amount of severance pay only.

SEC. 107. (a) Immediately following the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force, for their respective services, shall transmit the records of all proceedings in the case of each person heretofore removed from the active list of the Regular Army or the Regular Air Force, as the case may be, pursuant to the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606), to a Board of Review convened under section 104 of this title. Each person so removed shall be notified of the reference of his case to such Board of Review, and shall be accorded opportunity to appear before the board in person or by counsel. After full and fair consideration of all the facts and circumstances of each such case as they existed at the time of removal, the board shall transmit to the Secretary of the Army or to the Secretary of the Air Force, as appropriate, a report thereon containing its findings of fact, its conclusion on the question whether such removal was justified, and its recommendation on the question whether the officer affected should be restored to the active list pursuant to the provisions of this section.

(b) In each such case in which the Secretary of the Army or the Secretary of the Air Force approves a recommendation for the restoration of any person to the active list of the Regular Army or the Regular Air Force, he shall transmit the record of proceedings to the President, who is authorized and requested to appoint such person, by and with the advice and consent of the Senate, as a commissioned officer on the active list of the Regular Army or the Regular Air Force, as the case may be, in a grade determined by the following schedule: Officers with

less than three years of service for promotion purposes shall be appointed in the grade of second lieutenant; those with three or more, but less than seven years of such service, shall be appointed in the grade of first lieutenant; those with seven or more, but less than fourteen years of such service, shall be appointed in the grade of captain; those with fourteen or more, but less than twenty-one years of such service, shall be appointed in the grade of major; those with twenty-one or more, but less than twenty-eight years of such service, shall be appointed in the grade of lieutenant colonel: *Provided*, That (a) those with more than twenty-eight years of service for promotion purposes who are under sixty years of age shall be appointed to the active list in the permanent grade of lieutenant colonel and—

More than 28 years
of service.
Persons under 60.

(A) shall until June 30, 1953, be eligible for selection to the permanent grade of colonel; and

(B) if not selected and promoted to the grade of colonel or retired under any other provision of law on or before June 30, 1953, shall on such date be retired in the highest grade to which he is entitled under any provision of law; or

(C) if promoted to the grade of colonel on the active list prior to such date, shall be retired under the laws applicable to the elimination and retirement of permanent colonels; and

(b) Those with more than twenty-eight years of service for promotion purposes who are sixty years of age or over shall be advanced on the retired list to the grade of colonel, and shall be entitled to receive the retired pay to which they would have been entitled if they had not been removed from the active list under the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606), but had been retired while serving in the permanent grade of colonel at the completion of twenty-eight years of service for promotion purposes. Each officer restored to the active list, and appointed in a grade as prescribed in this section, shall have his name placed on the appropriate promotion list among the officers of his grade in the same seniority standing as would have existed had such officer been continued on the active list. For promotion purposes and initial grade determination each officer so restored to the active list shall, upon appointment, have credited to him all service which he would have had if he had not been removed from the active list pursuant to the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606). In all other cases the action taken by the Secretary of the Army or the Secretary of the Air Force, for their respective services, shall be final and conclusive for all purposes. The cognizant Secretary shall transmit to each person affected a copy of the report made by the Board of Review in his case and written notice as to the disposition thereof.

Persons over 60.

10 U. S. C. § 571
note; Supp. I, § 571
note.
Post, p. 1084.
Promotion list.

Service credit.

10 U. S. C. § 571
note; Supp. I, § 571
note.
Post, p. 1084.

Copy of report.

Determination of
length of active
service.

Additional number
in grade.

(c) In determining length of active Federal commissioned service for all purposes of pay, allowances, appointment, promotion, and retirement, each person restored to the active list of the Regular Army or the Regular Air Force pursuant to the provisions of this section shall be deemed to have served as an officer on the active list of the service concerned from the date of his removal therefrom to the date of his restoration thereto, and upon restoration shall be carried as an additional number in the grade in which restored to the active list or in any grade to which he thereafter may be promoted. Each officer so restored shall be accorded all other rights, benefits, and privileges to which he would have been entitled if he had not been removed from the active list, except those based upon active service in time of war or emergency not in fact performed by him.

(d) Each officer of the Regular Army heretofore removed from the active list pursuant to the provisions of section 2 of the joint resolution of July 29, 1941 (55 Stat. 606), who on the date of such

10 U. S. C. § 571
note; Supp. I, § 571
note.
Post, p. 1084.

Disability retire-
ment.

Restriction.

Regulations.

Back pay, allow-
ances, etc.

Repeals.

10 U. S. C. § 571
and note; Supp. I,
§ 571 note.

removal was (a) eligible for voluntary retirement under any provision of law then in effect, or (b) shall be determined by retiring board action to have been eligible for retirement for disability on such date, shall upon application therefor be placed upon the retired list in the grade and with the retired pay and other benefits to which he would have been entitled if he had been so retired: *Provided*, That no officer restored to the active list pursuant to the provisions of this section shall be retired pursuant to the provisions of this subsection.

SEC. 108. (a) The Secretary of the Army and the Secretary of the Air Force may promulgate for their respective services such regulations as may be necessary to carry into effect the provisions of this title.

(b) No back pay, allowances, or compensation shall accrue to any person by reason of the enactment of any provision of this title.

SEC. 109. Section 24b of the National Defense Act, as amended by the Act of June 4, 1920 (41 Stat. 773), and the joint resolution of July 29, 1941 (55 Stat. 606), are hereby repealed: *Provided*, That all rights and benefits accrued under such laws prior to the date of enactment of this title shall hereafter remain in full force and effect.

TITLE II

RETIREMENT OF OFFICERS AND WARRANT OFFICERS OF THE REGULAR ARMY AND THE REGULAR AIR FORCE

Officers' retired list.

Publication.

SEC. 201. Effective upon the enactment of this title the Secretary of the Army and the Secretary of the Air Force shall each establish for their respective services an officers' retired list, to be published annually in the official Register of the service concerned, upon which shall be placed the names of all the commissioned officers of the Regular Army or the Regular Air Force, as the case may be, heretofore or hereafter retired from active service under any provision of law, without limit to the number of officers who may be placed thereon. Any provision of law requiring commissioned officers of the Regular Army or the Regular Air Force to be placed on the limited or unlimited retired list hereafter shall be deemed to refer to the officers' retired list established pursuant to this section.

SEC. 202. That portion of section 5 of the Act of July 31, 1935 (49 Stat. 507), as amended by section 3 of the Act of June 13, 1940 (54 Stat. 380; 10 U. S. C. 943a, 971b), ending with the colon following the first proviso thereof is hereby further amended to read as follows: "That any officer on the active list of the Regular Army, the Regular Air Force, or Philippine Scouts or any officer of the reserve components of the Army of the United States or of the Air Force of the United States who shall have completed not less than twenty or more than thirty years' active Federal service in the armed forces of the United States, at least ten years of which shall have been active commissioned service, may in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retired upon his own application with annual pay equal to $2\frac{1}{2}$ per centum of the annual active duty base and longevity pay of the rank with which retired, multiplied by the number of years of service credited for longevity pay purposes and not to exceed a total of 75 per centum of such annual active duty base and longevity pay: *Provided*, That in computing the number of years of such service for the purpose of determining the percentage of active-duty annual pay, and for no other purpose, any fractional part of a year amounting to six months or more shall be counted as a complete year: *Provided further*, That for the purpose of determining years of service credited for longevity pay in the case of a general officer, such service shall be that which would

10 U. S. C., Supp. I,
§ 971b.
Retirement; service
requirements.

Fractional year.

Service credit for
general officer.

be credited to such general officer if he were on the promotion list and serving in the grade of colonel."

SEC. 203. (a) Each commissioned officer of the Regular Army or of any reserve component of the Army of the United States, and each commissioned officer of the Regular Air Force or of any reserve component of the Air Force of the United States, heretofore or hereafter retired or granted retirement pay under any provision of law shall be advanced on the applicable officers' retired list to the highest temporary grade in which he served satisfactorily for not less than six months while serving on active duty, as determined by the cognizant Secretary, during the period September 9, 1940, to June 30, 1946, and shall receive retired pay at the rate prescribed by law, computed on the basis of the base and longevity pay which he would receive if serving on active duty in such higher grade: *Provided*, That retired pay of such highest grade shall be without credit for service on the retired list.

Advancement on retired list.

(b) That the second proviso under the heading "Retired Officers" of the Act approved June 12, 1906 (34 Stat. 245; 10 U. S. C. 946), is hereby repealed.

Repeal.

(c) That section 5 of the Act approved August 21, 1941 (55 Stat. 653), is hereby amended to read as follows:

10 U. S. C. § 594.

"SEC. 5. Warrant officers shall be entitled to retirement under the same conditions as commissioned officers: *Provided*, That hereafter warrant officers may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, whichever may be concerned, be retired after twenty years of active service: *Provided further*, That a warrant officer retired after twenty years of active service shall receive retired pay at the rate of $2\frac{1}{2}$ per centum of the annual active duty base and longevity pay at the time of retirement multiplied by the number of years of service credited for longevity pay purposes and not to exceed 75 per centum of such annual, active duty base and longevity pay: *Provided further*, That a fractional year of six months or more shall be considered a full year in computing the number of years' service by which the rate of $2\frac{1}{2}$ per centum is multiplied: *And provided further*, That any warrant officer heretofore or hereafter retired under any provision of law shall upon the completion of thirty years' service, to include the sum of his active service and his service on the retired list, be advanced on the retired list to the highest temporary officer, flight officer, or warrant officer grade satisfactorily held by him while serving on active duty as determined by the cognizant Secretary during the period September 9, 1940, to June 30, 1946, and shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which he would receive if serving on active duty in such higher grade at the time of retirement: *And provided further*, That any warrant officer, heretofore or hereafter retired for disability incident to service, if entitled to advanced retired grade and increased retired pay under the provisions of this title, shall receive such advanced grade and increased pay effective upon the enactment of this title or upon his retirement, whichever is later."

Retirement of warrant officers.
Service requirement.

Retired pay.

Fractional year.

Advancement on retired list.

Disability retirement.

(d) Each member of the Army Nurse Corps, established by chapter V of the Act of July 9, 1918 (40 Stat. 879), as amended, each female dietitian or physical therapist appointed pursuant to the Act of December 22, 1942 (56 Stat. 1072), each female officer appointed pursuant to the Act of June 22, 1944 (58 Stat. 324), and each member of the Army Nurse Corps or Women's Medical Specialist Corps appointed pursuant to Public Law 36, Eightieth Congress (61 Stat. 41), heretofore or hereafter retired under any provision of law shall be advanced on the retired list to a grade with relative rank equal to the highest

Army Nurse Corps, etc.

10 U. S. C. §§ 161-163, 782, 783, 850; Supp. I, §§ 161-163, 782, 783 notes.

10 U. S. C. §§ 81 note, 164 and note; Supp. I, §§ 81, 164 notes; 37 U. S. C. § 113 note; Supp. I, § 113 note.

50 U. S. C. app. §§ 1591-1598; Supp. I, § 1591 note.
10 U. S. C., Supp. I, §§ 166-168.

grade in which, or to the highest relative or commissioned rank with which, she served satisfactorily on active duty, as determined by the Secretary of the Army, during the period September 9, 1940, to June 30, 1946, whichever is higher, and shall receive retired pay at the rate prescribed by law computed on the basis of the base and longevity pay which she would receive if serving on active duty in such grade or with such relative or commissioned rank.

Enlisted men with
30 years' service.

Disability retire-
ment.

Advancement of
officers on retired list.

Limitation.

Restoration to for-
mer status.

Ante, p. 1085; *supra*.

Regulations.

Back pay or allow-
ances.

(e) Each enlisted man of the Regular Army or the Regular Air Force heretofore or hereafter retired under any provision of law, shall upon the completion of thirty years of service, to include the sum of his active service and his service on the retired list, be advanced to the highest temporary commission, warrant, or enlisted grade satisfactorily held by him while serving on active duty, as determined by the cognizant Secretary, during the period September 9, 1940, to June 30, 1946, and shall receive retirement pay at the rate prescribed by law for his length of service at the time of retirement but based upon such higher temporary rank or grade: *Provided*, That any enlisted man heretofore or hereafter retired for disability incident to service, if entitled to advanced retired grade and increased retired pay under the provisions of this title, shall receive such advanced grade and increased pay effective upon the enactment of this Act or upon his retirement, whichever is later.

(f) Each commissioned officer of the Regular Army or of any reserve component of the Army of the United States, and each commissioned officer of the Regular Air Force or of any reserve component of the Air Force of the United States, retired or granted retirement pay under any provision of law on or after August 7, 1947, but not later than January 1, 1957, while serving on active duty in a temporary grade not higher than that of major general shall be advanced on the applicable officers' retired list to such grade, and shall receive retired or retirement pay at the rate prescribed by law, computed on the basis of the base and longevity pay which he would receive if serving on active duty in such higher grade: *Provided*, That computation on the basis of pay of such highest grade shall be made without benefit of longevity credit for retired list service. No officer shall be ordered to active duty or promoted to any higher temporary grade solely for the purpose of entitling him to retirement in advanced grade pursuant to this subsection.

SEC. 204. Enlisted men and warrant officers of the Regular Army or Regular Air Force hereafter advanced to commissioned rank or grade on the retired list pursuant to section 203 (c) or 203 (e) of this title, shall, if application therefor is made to the Secretary of the Army or Secretary of the Air Force within three months from the date of approval of this title or within three months after the date of the advancement to commissioned rank or grade on the retired list, whichever is the later, and subject to the approval of the Secretary of the Army or Secretary of the Air Force, be restored to their former retired enlisted, or warrant officer status, as the case may be, and shall thereafter be deemed to be enlisted or warrant officer personnel, as appropriate, for all purposes.

SEC. 205. (a) The Secretary of the Army and the Secretary of the Air Force may promulgate for their respective services such regulations as may be necessary to carry into effect the provisions of this title.

(b) Nothing contained in this title shall be construed to deprive any person of any higher retired grade or rank, or any greater retired or retirement pay to which he or she may be entitled under any other provision of law. No back pay or allowances prior to the date of enactment of this title shall accrue to any person by reason of the enactment thereof.

TITLE III

RETIREMENT WITH PAY OF OFFICERS AND ENLISTED PERSONNEL OF THE NATIONAL GUARD AND RESERVE CORPS OF THE ARMY OF THE UNITED STATES, THE RESERVE COMPONENTS OF THE AIR FORCE OF THE UNITED STATES, THE UNITED STATES NAVAL AND MARINE CORPS RESERVE, AND THE UNITED STATES COAST GUARD RESERVE

SEC. 301. (a) The Secretary of the Army is authorized to establish the Army of the United States Retired List and the Secretary of the Air Force is authorized to establish the Air Force of the United States Retired List, to be published annually in the official Register of the service concerned, upon which respectively shall be placed the names of all commissioned officers and former commissioned officers of the Army of the United States or the Air Force of the United States, as the case may be, other than those of the Regular Army or the Regular Air Force, heretofore or hereafter granted retirement pay under section 5 of the Act of April 3, 1939 (53 Stat. 557, as amended, 10 U. S. C. 456), section 1 of the Act of September 26, 1941 (55 Stat. 733, 10 U. S. C. 456a), and section 302 of this title, or any law hereafter enacted to provide retirement pay for commissioned officers other than those of the Regular Army or the Regular Air Force, and the names of all warrant officers and enlisted men of the Regular Army or the Regular Air Force heretofore or hereafter retired under any provision of law who, by reason of service in temporary commissioned grades in the Army of the United States or the Air Force of the United States, or in any of the respective components thereof, are entitled to be retired with commissioned rank or grade.

(b) The Secretary of the Navy is authorized to establish a United States Naval Reserve Retired List to include the names of all officers and enlisted personnel of the Naval and Marine Corps Reserve who are granted retired pay under the provisions of this title, the provisions of Public Law 305, Seventy-ninth Congress, or any law hereafter enacted to provide retired pay for such officers and enlisted personnel.

SEC. 302. (a) Any person who, upon attaining or having attained the age of sixty years, has performed satisfactory Federal service as defined in this section in the status of a commissioned officer, warrant officer, flight officer, or enlisted person in the Army of the United States or the Air Force of the United States, including the respective reserve components thereof, and also including the federally recognized National Guard prior to 1933, the United States Navy including the reserve components thereof, the United States Marine Corps, including the reserve components thereof, or the United States Coast Guard, including the reserve components thereof, and has completed an aggregate of twenty or more years of such satisfactory service in any or all of the aforesaid services, shall, upon application therefor, be granted retired pay: *Provided*, That for the purposes of this section the last eight years of qualifying service for retirement under this title must have been service as a member of a reserve component except that any member of a reserve component of the Air Force of the United States shall be entitled to include service as a member of a reserve component of the Army of the United States performed on or prior to July 26, 1949: *Provided further*, That for the purposes of this subsection, simultaneous service as a member of a reserve component and as a member of the Regular Army, Navy, Air Force, or Marine Corps, shall not be deemed to be service in a reserve component: *Provided further*, That no person who was a member of a reserve component on or before August 15, 1945, shall be eligible for retirement benefits under this title unless he performed active Federal service during any portion of either of the two periods beginning April 6, 1917, and

Army of U. S. and
Air Force of U. S.
Retired Lists.

Publication.

Infra.

U. S. Naval Reserve
Retired List.

60 Stat. 26.
34 U. S. C. §§ 419-
419b, 410a-410c, 3501;
Supp. I, § 410a *et seq.*;
50 U. S. C. app. § 778;
Supp. I, § 778 note.
Retirement.

Reserve service re-
quirements.

Limitation.

ending November 11, 1918, and beginning September 9, 1940, and ending December 31, 1946.

Computation of
service credit.

(b) Subsequent to the enactment of this Act, a year of satisfactory Federal service, for the purposes of this section only, shall consist of any year in which a person is credited with a minimum of fifty points, which points shall be credited on the following basis:

(1) One point for each day of active Federal service;

(2) One point for each drill or period of equivalent instruction, such drills and periods of equivalent instruction to be restricted to those prescribed and authorized by the Secretary of the respective service for the year concerned, and to conform to the requirements prescribed by other provisions of law;

(3) Fifteen points for membership in a reserve component for each year of Federal service other than active Federal service.

(c) Each year of service as a member of a reserve component prior to the enactment of this Act shall be deemed to be a year of satisfactory Federal service for the purposes of this section, subject to the provisions of subsection (e) of section 306 of this Act.

Post, p. 1090.

(d) Application for retirement with pay made pursuant to this section shall be submitted to the Secretary of the service in which the applicant last served or is serving at the time of such submission.

Retention after 60.

(e) Any person who, upon attaining the age of sixty years, has qualified for retirement with pay pursuant to this title, may, with his consent and by order of the cognizant Secretary, be retained on duty to perform Federal service. Any person so retained shall be credited with equivalent periods of Federal service for the performance of such duties.

Rate of retired pay.

SEC. 303. Any person granted retired pay pursuant to the provisions of this title shall receive such pay at an annual rate equal to $2\frac{1}{2}$ per centum of the active duty annual base and longevity pay which he would receive if serving, at the time granted such pay, on active duty in the highest grade, temporary or permanent, satisfactorily held by him during his entire period of service, multiplied by a number equal to the number of years and any fraction thereof (on the basis of three hundred and sixty days per year) which shall consist of the sum of the following:

(i) All periods of active Federal service;

(ii) One day for each point credited pursuant to subparagraphs (2) and (3) of subsection (b) of section 302 of this Act, but no more than sixty days shall be credited on this basis in any one year for the purposes of this section:

Limitation.

Provided, That no person shall be entitled to receive such retired pay at an annual rate in excess of 75 per centum of said active duty pay:

Service credit.

Provided further, That for each year of Federal service, other than active Federal service, performed as a member of a reserve component prior to the date of enactment of this Act and credited in accordance with subsection (c) of section 302 of this title, such member shall be credited with fifty days for each of such years, for the purposes of this section.

Supra.

Standards and qual-
ifications for retention
or promotion.

SEC. 304. As soon as may be practicable after the effective date of this title, the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy shall, by regulations not inconsistent with this or any other Act, prescribe (a) appropriate standards and qualifications for the retention or promotion of members of reserve components of the Army of the United States, the Air Force of the United States, and the United States Navy and the Marine Corps, respectively, and (b) appropriate and equitable procedures under which the compliance by each member of each such reserve component

with such standards and qualifications shall be determined periodically. Whenever any member of any such reserve component thereafter shall fail to conform to the standards and qualifications so prescribed he shall be transferred to an inactive reserve status if qualified for such status, retired without pay if qualified for such retirement, or his appointment or enlistment shall be terminated. Such action shall effect a termination of such person's right to accrue retirement benefits under this title but shall not affect any rights which have accrued prior to the time that such action shall have been taken with respect to such person: *Provided further*, That the Secretary of the Navy with respect to personnel of the Navy and Marine Corps, including the reserve components thereof, shall determine what has constituted, prior to the date of enactment of this title, satisfactory performance of Federal service other than active Federal service.

Procedure on non-conformance with standards.

Termination of retirement benefits.

SEC. 305. The provisions of this title shall not be applicable to any officer or enlisted person of the Regular or reserve components of the Army, Navy, Air Force, or Marine Corps who, prior to or subsequent to the date of enactment of this title, is entitled to receive, or is receiving under any other provision of law, retired pay for military or naval service, including retainer pay as a transferred member of the Fleet Reserve. No period of service otherwise creditable in determining the eligibility of any person to receive, or the amount of, any annuity, pension, or old-age benefit payable under any provision of law on account of civilian employment, in the Federal Government or otherwise, shall be excluded in such determination because such period of service may be included, in whole or in part, in determining the eligibility of such person to receive, or the amount of, any retired pay payable under this title.

Inapplicability of provisions.

SEC. 306. For the purposes of this title—

(a) The term "Federal service" shall be deemed to include all active Federal service and all service in a reserve component other than active Federal service, or both, except as provided in (e) and (f) below.

"Federal service."

(b) Satisfactory Federal service or Federal service satisfactorily performed, as used in this title in referring to Federal service herein mentioned, shall be deemed to mean that the person concerned shall have conformed to such standards and qualifications as may have been required of him.

(c) Service in a reserve component, as used in this title, shall consist of service in the following organizations, and shall be deemed to be Federal service for the purposes of this title—

- (1) the National Guard of the United States;
- (2) the National Guard while in the service of the United States;
- (3) the federally recognized National Guard prior to 1933;
- (4) a federally recognized status in the National Guard prior to 1933;
- (5) the Officers' Reserve Corps and the Enlisted Reserve Corps prior to the enactment of Public Law 460, Eightieth Congress, approved March 25, 1948;
- (6) the Organized Reserve Corps;
- (7) the Army of the United States without component;
- (8) the Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of sixteen or more years of active naval service;
- (9) the Marine Corps Reserve and the Marine Corps Reserve Force, excluding those members of the Fleet Marine Corps

Amr. p. 87.

Reserve transferred thereto after completion of sixteen or more years of active naval service;

(10) the Limited Service Marine Corps Reserve;

(11) the Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy; and

(12) the National Naval Volunteers;

(13) the Air National Guard;

(14) the Air Force Reserve (Officers or Enlisted sections);

(15) the Air Force of the United States without component;

and

(16) the Coast Guard Reserve.

"Active Federal service."

(d) The term "active Federal service" shall include all periods of annual training duty and all prescribed periods of attendance at such service schools as have been, or may be designated as such by the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force for their respective services, or by law, or any other period of time when ordered to active duty under competent Federal orders.

(e) With respect to personnel of the Army or the Air Force, service in the inactive National Guard or Air National Guard, in a non-federally recognized status in the National Guard or Air National Guard, or in an inactive Reserve section of the Officers' Reserve Corps or an inactive officers' section of the Air Force Reserve shall not be deemed to be Federal service.

(f) Subject to the provisions of subsection (d) hereof, service on the Honorary Retired List of the Naval and Marine Corps Reserves shall not be deemed to be Federal service.

Rules and regulations.

SEC. 307. The Secretary of the Army with respect to personnel of the Army, the Secretary of the Navy with respect to the personnel of the Navy and Marine Corps, and the Secretary of the Air Force with respect to personnel of the Air Force, are authorized to prescribe such rules, regulations, and procedures as they may deem necessary to effectuate the provisions of this title.

Transfer to inactive status list.

SEC. 308. Any person who has not attained the age of sixty years but is eligible in all other respects to receive retired pay under the provisions of this title may, at his own request, and by the direction of the Secretary of the cognizant service, be transferred to such inactive status list as has been, or may be established by law or regulation for the reserve components of the Army of the United States, Navy, Air Force of the United States, or Marine Corps. After the effective date of such transfer he shall not be required to participate in any training or other program prescribed for said reserve components, and he shall not be entitled to be credited with either additional active Federal service or additional Federal service in a reserve component other than active Federal service for the purpose of this title while he is in an inactive status. Any such person may, in the discretion of the cognizant service Secretary, be recalled to active status at any time, and if so recalled, he shall be credited with active Federal service or Federal service in a reserve component other than active Federal service, or both for the performance of such duty.

Recall to active status.

Restriction.

SEC. 309. Service as a member of a reserve component shall be subject to the requirements of the military services and appropriations available therefor from time to time. No person shall be ordered to active Federal Service for the sole purpose of qualifying for retirement benefits under this title.

Back pay or allowances.

SEC. 310. No back pay or allowances for any period prior to the date of enactment thereof shall accrue to any person by reason of enactment of this title.

Applicability to Coast Guard Reserve.

SEC. 311. The provisions of this title, except as may be necessary to adapt the same thereto shall apply to personnel of the Coast Guard

Reserve in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Naval and Marine Corps Reserve in relationship to the Navy: *Provided*, That wherever authority is given to the Secretary of the Navy, similar authority shall be deemed to be given to the Secretary of the Treasury to be exercised with respect to the Coast Guard except at such time or times as the Coast Guard may be operating under the Secretary of the Navy.

SEC. 312. The provisions of this title shall become effective for each of the services concerned when directed by the cognizant Secretary, but not later than the first day of the seventh month following the date of enactment.

SEC. 313. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

Approved June 29, 1948.

Effective date.

Appropriation au-
thorized.

[CHAPTER 709]

AN ACT

To authorize the issuance of a special series of stamps in honor and commemoration of Moina Michael, originator of Flanders Field memorial poppy idea.

June 29, 1948

[H. R. 6634]

[Public Law 811]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare, for issuance at as early a date as practicable, a special series of 3-cent postage stamps, of such design as he shall prescribe, in honor and commemoration of Moina Michael, originator of Flanders Field memorial poppy idea.

Moina Michael.
Commemorative
postage stamp.

Approved June 29, 1948.

[CHAPTER 710]

JOINT RESOLUTION

Authorizing the issuance of a special series of stamps commemorative of the fiftieth anniversary of the organization of the Rough Riders (First Volunteer United States Cavalry) of the Spanish-American War.

June 29, 1948

[H. J. Res. 305]

[Public Law 812]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to prepare for issuance, on as early a date as practicable, a special series of 3-cent postage stamps in commemoration of the fiftieth anniversary of the organization of the Rough Riders (First Volunteer United States Cavalry) of the Spanish-American War. Such stamps shall be of an appropriate design, which shall include a picture of the equestrian statue standing in the city of Prescott, Arizona, of Captain William Owen "Bucky" O'Neill, who commanded Troop A of the Rough Riders (First Volunteer United States Cavalry) who was killed in action while gallantly leading his men in the Battle of San Juan Hill, Cuba, on July 1, 1898.

Rough Riders.
Commemorative
postage stamp.

Approved June 29, 1948.

[CHAPTER 711]

AN ACT

To transfer administration of the Federal Credit Union Act to the Federal Security Agency.

June 29, 1948

[S. 2225]

[Public Law 813]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all functions, powers, and duties of the Farm Credit Administration and of the Governor thereof under the Federal Credit Union Act, as amended (U. S. C., title 12, secs. 1751-1772), together with the functions of the Secretary of Agriculture with respect thereto, which were transferred

Federal Credit Un-
ion Act.
Transfer of certain
functions to Federal
Security Agency.
48 Stat. 1216.
12 U. S. C., Supp. I,
§§ 1751-1760 notes.